

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

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FRANK DIAZ, et al.

Plaintiffs,

22-CV-10404 (VF)

-against-

ORDER

GERARDO RAY, et al.

Defendants.

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VALERIE FIGUEREDO, United States Magistrate Judge

As the Court indicated at ECF No. 41, Plaintiff seeks dismissal of the case. Defendants ask that the case be dismissed with prejudice. See ECF No. 42. Defendants' request is denied, and dismissal is without prejudice. In support of their request for dismissal with prejudice, Defendants contend that Plaintiffs have failed to state a valid claim. See ECF No. 42. But Defendants moved to dismiss the complaint (ECF No. 22), and the Court denied the motion orally at a conference on March 4, 2024. See ECF No. 36. The Clerk of Court is respectfully directed to close the case.

SO ORDERED.

DATED: New York, New York
May 23, 2025



VALERIE FIGUEREDO
United States Magistrate Judge